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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/819,808 | 03/29/2001 | Naotaka Kobayashi | 500.39946X00 | 1137 |
| 20457 | 7590 | 07/26/2004 | EXAMINER | |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889 | | | VU, THONG H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |
| DATE MAILED: 07/26/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/819,808

Applicant(s)

KOBAYASHI ET AL.

Examiner

Thong H Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/29/01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-14 are pending.
2. Claims 6,13-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 3-5, 11-12. See MPEP § 608.01(n). Accordingly, the claims 6,13-14 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Sicola et al [Sicola 6,601,187 B1] in view of Blumenau et al [Blumenau 6,421,711 B1].
4. As per claim 1, Sicola discloses a remote copy system of storage systems comprising:
 - a host computer [Sicola, the hosts 1 and 2, Fig 1, col 6 lines 12-29];
 - a storage system having a port as an initiator of remote copy [Sicola, a storage array, initiating node, remote copy, col 6 lines 12-60];
 - another storage system having a target port [Sicola, targetnode and port 109, col 6 lines 12-30, Fig1]; and
 - a fibre channel through which said host computer and said storage systems are connected [Sicola, fibre channel switched fabric, col 6 line 12-30], wherein said storage system having said port as said initiator has a controller [Sicola, controller A1, B1 col 9

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lines 35-53], by which a login request including first information from which said storage system can be recognized as a storage system (i.e.: target name, col 11 lines 1-10), is sent said target port of said other storage system,

However Sicola does not detail said other storage system having said target port has a controller by which an answer including second information that is unique to hardware (i.e: port ID, manufacturer's serial number, hardware ID) and invariable and capable of specifying said target port sent back when said other storage system recognizes said login source as storage system from said first information of said login request .

It was well-known in the art that a Fibre channel storage system using a unique identifier of the manufacturer of device including port [Blumenau, Port Identifier and manufacturer's serial number, col 9 lines 57-67].

An Official Notice is taken that the technique of using a serial number of hardware or hardware ID to identify the network device was well-known [see Roberts, Todd, Foster, Bachman references].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the storage system using a unique identifier of the manufacturer of device including port as taught by Blumenau into the Sicola's apparatus in order to utilize the redundant pairs of storage controllers over Fibre channel. Doing so would provide a quick, simple and security to share and transfer data over network.

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5. As per claim 2, Sicola-Blumenau disclose said second information is an identifier and port number that are unique to hardware said storage system having said target port [Blumenau, Port Identifier and manufacturer's serial number, col 9 lines 57-67].

6. As per claim 3, Sicola-Blumenau disclose said second information is a machine serial number and port number that are unique to hardware said storage system having said target port [Blumenau, Port Identifier and manufacturer's serial number, col 9 lines 57-67].

7. As per claim 4, Sicola-Blumenau disclose said first information is an identifier and port number unique hardware of said storage system having said initiator port [Blumenau, Port Identifier and manufacturer's serial number, col 9 lines 57-67].

8. As per claim 5, Sicola-Blumenau disclose said first information is a machine serial number and port number of said storage system having said initiator port [Blumenau, Port Identifier and manufacturer's serial number, col 9 lines 57-67].

9. As per claim 6, Sicola-Blumenau disclose said port number is an identification number of location that indicates the position at which said initiator port of said storage system is mounted [Sicola, a unique Fibre Channel port identifier, col 8 lines 11-32, col 15 lines 18-21].

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10. Claims 7-14 contain the similar limitations set forth of apparatus claims 1-6.

Therefore, claims 7-14 are rejected for the similar rationale set forth in claims 1-6.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142



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